



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: August 27, 2014

TO: Interested Parties

FROM: Steve Ingham, Administrator
Division of Food Safety
Wisconsin Department of Agriculture, Trade and Consumer Protection

RE: Revisions to DATCP administrative rule ATPC 82, Bulk Milk Collection, Sampling, and Transportation

This memo is to inform you of changes that went into effect August 1, 2014 as part of DATCP's revision of ATPC 82, "Milk Haulers" (now renamed "Bulk Milk Collection, Sampling, and Transportation"). The department made changes to ATPC 82 as part of its overall effort to update dairy regulations and ensure Wisconsin's regulations continue to be at least as rigorous as the Food and Drug Administration's (FDA's) Grade "A" Pasteurized Milk Ordinance (PMO). The FDA periodically revises the PMO to reflect the most current developments in milk sanitation and administration. The revision to ATPC 82 will help Wisconsin's dairy industry continue to meet federal PMO expectations and maintain its world-class reputation. The rule was adopted after consultation with dairy industry representatives and legislative review. The following highlights some of the significant changes in the rule.

Partial collections of milk allowed under certain circumstances

Beginning August 1, 2014, Bulk Milk Weighers and Samplers (BMWS) were allowed to make partial collections of milk from bulk tanks on dairy farms if certain conditions are met:

- 1) The bulk tank must be equipped with a 7 day recording device approved by the department as specified in s. ATPC 60.10(6).
- 2) The bulk tank must be cleaned and sanitized when emptied.
- 3) The bulk tank must be emptied at least every 72 hours.
- 4) The BMWS indicates, on the recorder, the time and date when a partial collection is made and when the bulk tank is emptied.

Broken tanker access port seals do not need to be reported to DATCP

The rule removes the requirements that the tanker access port(s) be sealed after the tanker is filled with milk, and that a broken seal(s) must be reported to the department. The PMO does not require tanker access ports to

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be sealed after filling, and the previous Wisconsin requirement to report broken seals to the department was only occasionally invoked. When the requirement was invoked, it has proven to be unnecessary in light of existing industry food safety practices.

Responsibilities clarified for cleaning and sanitizing milk tankers and retaining cleaning tags

The rule now simply specifies that the bulk milk tanker must be cleaned and sanitized adequately. It no longer says who must do the cleaning and sanitizing (previously the licensed bulk milk tanker operator). The new rule also clarifies that personnel at the bulk milk tanker wash station must remove the old cleaning tag and retain it, and put a new cleaning tag on the tanker. Before, the tanker operator retained the old tag.

Proof of inspection required for Grade “A” permits

Beginning August 1, 2014, Bulk Milk Weigher and Samplers must submit proof of inspection with their license application or license renewal documents to have a Grade “A” permit issued along with their Bulk Milk Weigher and Sampler or Bulk Milk Tanker license.

- **Bulk Milk Weigher and Sampler License and Grade “A” Permit** -- Bulk Milk Weigher and Sampler (BMWS) licenses that expire on September 30, 2014, will be exempt from the new inspection requirement for Grade “A” permits for this renewal period ONLY. All BMWS licenses that expire on September 30, 2015 and in later years will not be renewed with a Grade “A” permit unless the applicant submits a copy of a current inspection. A BMWS regulatory inspection is good for 2 years.
- **Bulk Milk Tanker License and Grade “A” Permits** -- To renew a milk tanker license and accompanying Grade “A” permit that expires on April 30, 2015, applicants must submit a copy of a current tanker inspection (within the past year). The inspection may be from any regulatory agency that inspects under the National Conference on Interstate Milk Shipments (NCIMS) Grade “A” program. A Grade “A” permit endorsement is required to haul Grade “A” milk or milk products in Wisconsin and the United States. A regulatory inspection of a bulk milk tanker is good for one year.

It is the applicant’s responsibility to arrange for the inspections with their local dairy sanitarian and to supply this information at the time of application or renewal. DATCP will not research or pull previous inspection results for licensees.

These changes will increase the workload of DATCP Dairy Sanitarians, so if you need to have a Bulk Milk Weigher and Sampler or a Bulk Milk Tanker inspection for a Grade “A” Permit, please make every effort to contact your local Dairy Sanitarian and have inspections scheduled and conducted throughout the year. The Department cannot guarantee that it will be able to conduct inspections for requests it receives less than 60 days before the renewal deadline and you may be assessed a late fee if you submit your application after the renewal deadline.

Certified Industry Inspection Program for Bulk Milk Tankers is formally adopted

The Certified Industry Inspection Program for Bulk Milk Tankers program is an option available to industry to help meet the annual inspection requirements associated with a Grade “A” permit for bulk milk tankers. If your

company is interested in participating in the program, please contact the Bureau of Food Safety at (608) 224-4682 for more information and application materials.

Contact Information

The rule may be found online at: http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/82.pdf.

You may also find more information on these changes on the Department website at <http://datcp.wi.gov> or you may contact the Bureau of Food Safety at (608) 224-4682 if you have any further questions about the new regulations.